

## **2004 Legislative Summary Report**

### **Chaptered Legislation**

#### **AB 79 (Dutra) Chapter 409**

This bill provides, until January 1, 2008, that a public agency, as defined, may, but is not required to prepare or submit any written report to the Legislature, the Governor, or any state legislative or executive body unless any one of specified conditions is met or the report is required to be prepared and submitted pursuant to this bill. This bill provides that its provision requiring that specified reports by the California Environmental Protection Agency be prepared and submitted become operative only if AB 2701 is enacted and becomes law.

#### **AB 105 (Wiggins) Chapter 497**

This bill authorizes the Department of Water Resources to make grants from the California Safe Drinking Water Bond Law of 1988 to specified entities for the purpose of financing domestic water system projects to meet state and federal drinking water standards.

#### **AB 107 (Steinberg) Chapter 498**

This bill authorizes the governing board of a public entity that is authorized to construct, manage, maintain, or repair flood control works that are under the jurisdiction of the Reclamation Board to adopt standards, for prospective application, for the operation and maintenance of those flood control works that are more protective of public safety than those standards adopted by the Reclamation Board. The standards adopted by the governing body of the public entity would become effective upon approval by the Reclamation Board. The bill authorizes the Reclamation Board to unilaterally revise these standards upon 90 days written notice to the public entity.

#### **AB 135 (Reyes) Chapter 867**

This bill authorizes the State Energy Resources Conservation and Development Commission to expend, until December 31, 2008, up to \$60 million of the funding allocated to the Renewable Resources Trust Fund for emerging renewable technologies.

#### **AB 389 (Montanez) Chapter 705**

This bill provides that bona fide purchasers and innocent landowners are not liable under specified State statutes and common law for costs of response claimed by a party that is not the Department of Toxic Substance Control (DTSC), the State Water Resources Control Board (SWRCB), or a Regional Water Quality Control Board (RWQCB) for costs associated with a release or threatened release of a hazardous material characterized in a site assessment or response plan on their property if the property owner did not cause or contribute to the release and meets other specified conditions. The bill affords the same immunity to a person who owns real property that is contaminated by a release other than passive migration from contiguous property, or

property that is similarly situated with respect to a contaminated site requiring remediation.

**AB 430 (Dutra) Chapter 89**

This bill, an urgency measure, extends the existing authority granted to the Santa Clara Valley Water District to implement the local oversight program for the abatement of unauthorized releases of hazardous substances from underground storage tanks in Santa Clara County through June 30, 2005.

**AB 471 (Simitian) Chapter 706**

This bill prohibits a cruise ship, as defined, from conducting onboard incineration while operating within three miles of the California coast.

**AB 502 (Canciamilla) Chapter 439**

This bill allows a public agency to enter into an agreement with natural gas development project permit applicants in order to expedite the permit review and approval process. The bill also allows a public agency to contract for temporary workers and charge the permit applicant a fee to cover the cost of providing the expedited permitting services.

**AB 594 (Leno) Chapter 790**

This bill authorizes the City and County of San Francisco to elect to designate specific photovoltaic generation facilities meeting specified conditions as Hetch Hetchy Water and Power solar generation facilities, and upon election and the filing and acceptance of an advice letter with the commission establishing rates, Pacific Gas and Electric Company would be required on a monthly basis, to credit the City and County of San Francisco for certain electricity generated and delivered to the electric grid in accordance with specified rate criteria. The bill also provides for the termination of this arrangement upon notice from the city and county or upon the city and county engaging in retail sales to customers within the service territory of Pacific Gas and Electric Company, as a result of becoming a community choice aggregator, as a result of municipalization, or otherwise.

**AB 687 (Nunez) Chapter 91**

This bill ratifies changes in the tribal-state gaming compacts of five major Indian tribes, including among its various provisions, changes to tribal responsibility under the California Environmental Quality Act.

**AB 901 (Jackson) Chapter 84**

This bill delays until November 1, 2004, the start date for collection of the Electronic Waste Recycling Fee required by the Electronic Waste Recycling Act of 2003, enacted by SB 20 (Sher, Chapter 526, Statutes of 2003), in order to allow the necessary time for implementation of a fee collection system.

**AB 923 (Firebaugh) Chapter 707**

This bill establishes long-term funding for support clean air incentive programs—such as the Carl Moyer Program and the Lower-Emission School Bus Program—that reduce emissions from gasoline and diesel-powered equipment and vehicles.

**AB 1009 (Pavley) Chapter 873**

This bill requires owners/operators of commercial heavy-duty trucks entering California to provide evidence that the vehicle's engine meets U.S. federal emission standards for the model year in which it was manufactured. The bill is intended to make sure that heavy-duty trucks entering California under access granted by the North American Free Trade Agreement, particularly from Mexico, do not add to California's air quality problem.

**AB 1068 (Liu) Chapter 624**

This bill, an urgency measure, re-establishes the Repair and Replacement of Underground Storage Tanks loan program formerly operated by the Technology Trade and Commerce Agency and establish a new sunset date of January 1, 2011. Additionally, the bill transfers \$8 million from the Underground Storage Tank Cleanup Fund to the Petroleum Underground Storage Tank Financing Account and would appropriate that amount to the SWRCB for loans and grants under the program.

**AB 1209 (Nakano) Chapter 8**

This bill changes the name of the Lake County Flood Control and Water Conservation District to the Lake County Watershed Protection District. The bill also provides specific authorization to the District to participate in National Pollution Discharge Elimination System permit program.

**AB 1353 (Matthews) Chapter 597**

This bill requires treated wood waste to be disposed of in a hazardous waste landfill or a composite-lined unit of a solid waste landfill, and specifies requirements for the generation and management of treated wood waste.

**AB 1369 (Pavley) Chapter 626**

This bill prohibits, effective January 1, 2006, the sale and distribution of mercury-added thermostats, except for thermostats used: (1) for manufacturing or industrial purposes; or (2) by the blind or visually impaired. This bill is intended to reduce the amount of mercury entering the environment through the solid waste stream by eliminating to the extent practicable an unnecessary source of mercury.

**AB 1394 (Levine) Chapter 627**

This bill requires the Air Resources Board (ARB) to revise the Carl Moyer Memorial Air Standards Attainment Program (Carl Moyer Program) guidelines, as soon as feasible after January 1, 2005, to include two-step transactions for replacing heavy-duty truck engines. Step one would involve the purchase of a new vehicle/engine (vehicle) to replace an older, dirtier vehicle, and then the second step would be to take the replaced vehicle and subsequently replace an even older dirtier vehicle which would then be scrapped. The bill also requires that particulate matter emissions be eligible in this two-

step program, whereas traditionally the Carl Moyer Program only funded NOx reductions.

**AB 1454 (Canciamilla) Chapter 41**

This bill requires all state and local agencies responding to an outbreak of a mosquito-borne disease with an abatement and surveillance program to contract with a local mosquito and vector control agency that has a cooperative agreement with the Department of Health Services (DHS), or to consult directly with DHS. In addition, the bill would encourage federal agencies responding to such an outbreak to also contract with a local mosquito and vector control agency that has a cooperative agreement with DHS, or to consult directly with DHS.

**AB 1546 (Simitian) Chapter 931**

This bill, under specified conditions, authorizes the City/County Association of Governments of San Mateo County to assess an annual fee of up to \$4 on vehicles registered within San Mateo County for programs to manage traffic congestion and storm water pollution. The bill also prohibits a fee from becoming operative prior to July 1, 2005.

**AB 1684 (Leno) Chapter 675**

This bill allows operators of "waste gas" fueled generators to participate in the California Public Utilities Commission's (PUC) existing Self-Generation Incentive Program (SGIP), provided their operation yields a net air quality benefit and they have a locally issued air quality permit. This bill is a clean-up bill to last year's AB 1685 which inadvertently excluded "waste gas" operators from the SGIP program and its incentives.

**AB 1701 (Laird) Chapter 708**

This bill creates mandatory disclosure requirements for the acquisition by the Wildlife Conservation Board or the State Coastal Conservancy of conservation lands in excess of \$25 million.

**AB 1725 (Matthews) Chapter 443**

This bill authorizes the Department of Consumer Affairs' Structural Pest Control Board or a local county agricultural commissioner to levy a fine of up to \$5,000 for each structural violation determined to be a serious violation.

**AB 1802 (Bogh) Chapter 137**

This bill increases the fines for illegal dumping of commercial quantities of waste and would add concrete and asphalt to those items that cannot be dumped on private property without the consent of the owner or in a manner that creates a public health and safety hazard, a public nuisance, or a fire hazard.

**AB 1827 (Cohn) Chapter 576**

This bill allows State agencies to discuss their responses to confidential final draft audit reports from the Bureau of State Audits in closed session, and also adds this topic to the list of items that a State body may discuss at a special meeting called on less than 10 days notice when specified conditions apply.

**AB 1873 (Hancock) Chapter 500**

This bill extends the sunset on the California Integrated Waste Management Board's Recycling Market Development Revolving Loan Program until January 1, 2012, to continue a unique, significant, and effective source of non-General Fund capital for recycling-related manufacturers in California that often cannot obtain conventional bank financing.

**AB 1876 (Chan) Chapter 709**

This bill defines a "public bay beach" as a public beach used for recreational purposes that is located within the coastal zone or within the jurisdiction of the San Francisco Bay Conservation and Development Commission (SFBCDC). Additionally, this bill requires microbiological contamination monitoring at heavily used public beaches and recreational shore areas within the SFBCDC.

**AB 1878 (Chan) Chapter 755**

This bill addresses certain safety, noise and air quality issues related to motorized scooters by prohibiting modifications of a motorized scooter's exhaust system and the operation of a motorized scooter with an improper muffler. It also requires that a motorized scooter operated on public streets be equipped with an engine that meets California emissions standards and that the operator of a motorized scooter hold a valid Class C driver's license. Finally, it requires that manufacturers disclose to buyers that a motorized scooter may not be modified to increase noise or emission levels.

**AB 1894 (Longville) Chapter 372**

This bill provides a procedure for an entity whose business records have been seized by a government agency to receive copies of those records, at the entity's expense, if the entity can show by declaration that denial of access to the records would either unduly interfere with the entity's ability to conduct its regular course of business or obstruct the entity from fulfilling an affirmative legal obligation.

**AB 1906 (Lowenthal) Chapter 774**

This bill increases the petroleum storage fee from \$0.012 per gallon to \$0.013 per gallon beginning January 1, 2005, and to \$0.014 per gallon beginning January 1, 2006. Additionally this bill establishes the Underground Storage Tank Petroleum Contamination Orphan Site Cleanup Subaccount and would require \$10 million to be annually transferred from the Underground Storage Tank Cleanup Fund into the Subaccount for calendar years 2005-2007 for costs to remediate petroleum contamination at specified sites.

**AB 1934 (Leslie) Chapter 374**

This bill allows, until January 1, 2007, recreational activity that involves bodily contact with water to take place in Bear Lake Reservoir if certain conditions are met. The conditions include water treatment and an ongoing monitoring program. The bill also makes findings and declarations regarding the necessity of a special statute. Lake Alpine Water Company is required to report to the Legislature and DHS on or before

January 1, 2006, on the recreational uses at the Reservoir and the water treatment program.

**AB 1971 (Lowenthal) Chapter 580**

This bill makes clarifying changes to existing law that requires each marine terminal in the state to ensure that trucks do not idle or queue for more than 30 minutes while waiting to load or unload at marine terminals.

**AB 1982 (Wolk) Chapter 553**

This bill provides a solution to the conflicting state policies regarding promoting and maintaining wetlands versus protecting the health and welfare of California's people, domestic animals, and wildlife.

**AB 1984 (Wolk) Chapter 173**

This bill extends the sunset until December 31, 2008, that a site specific plan in conjunction and consistent with the Cache Creek Resource Management Plan shall be considered to be a functional equivalent of a reclamation plan for purposes of the act.

**AB 2021 (Chu) Chapter 445**

This bill is cleanup language to California's Toxics in Packaging Prevention Act (TPPA), which was enacted last year by AB 455 (Chan, Chapter 679, Statutes of 2003), including: (1) eliminating the requirement for a manufacturer or supplier to obtain approval from the DTSC to qualify a package for an exemption from the toxic metal limitations specified in the TPPA; (2) providing trade secret protection for information identified by a manufacturer as proprietary; and (3) conforming California's exemption documentation requirements to the documentation requirements specified in the national model already implemented in other states. This bill makes the provisions of the TPPA more workable and less costly for both affected businesses and the Department of Toxic Substances Control.

**AB 2024 (Bermudez) Chapter 941**

This bill requires the Ports of Los Angeles and Long Beach to collect statistics and evaluate changes to the goods movement network at the ports in order to expand the system to include off-peak hours. The ports must also provide the data collected annually beginning January 31, 2005, and ending in 2007 to the Business, Transportation and Housing Agency, the Office of Goods Movement of the Department of Transportation, and the Assembly and Senate Transportation Committees.

**AB 2040 (La Suer) Chapter 801**

This bill provides the Department of Motor Vehicles with the necessary statutory authority to ensure California hazardous materials endorsements are issued and renewed in accordance with the USA PATRIOT Act.

**AB 2093 (Nakano) Chapter 710**

This bill prohibits discharge of graywater from a large passenger vessel into the marine waters of the state. Any person who violates the prohibition would be subject to a civil

penalty not to exceed \$25,000. The bill also requires that a person who discharges graywater into the state's marine waters immediately notify the State Water Resources Control Board of the discharge.

**AB 2104 (Committee on Budget) Chapter 702**

This bill makes a variety of technical and noncontroversial, but necessary changes to provisions of the 2004 Budget Act. Specifically affecting ARB, the bill makes technical corrections to ensure that the existing \$6 Smog Abatement Fee (SAF) remains in effect until January 1, 2005, and that the increase to \$12 takes effect on January 1, 2005.

**AB 2121 (Committee on Budget) Chapter 943**

This bill requires the SWRCB to annually prepare a summary of pending water right applications for specified areas of the state and require that the Board, by January 1, 2007, adopt its own water quality control policy containing principles and guidelines for maintaining instream flows in specified coastal streams. This policy is in addition to the existing "draft guidelines" issued by the National Marine Fisheries Service and the Department of Fish and Game, specifying the instream flow measures needed to protect fish in mid-California coastal streams.

**AB 2128 (Jackson) Chapter 703**

This bill creates an ongoing funding source for the Bureau of Automotive Repair's Consumer Assistance Program.

**AB 2159 (Reyes) Chapter 448**

This bill makes a number of clarifying and streamlining changes to the enforcement process for violations of solid waste law that are consistent with the recommendations of the California State Auditor. The most notable changes are deleting the provision delaying the effect of a cease and desist order until after the time period provided for an appeal expires and adding the option for appeals to be heard by a hearing officer.

**AB 2176 (Montanez) Chapter 879**

This bill requires the Integrated Waste Management Board (IWMB) and local agencies to provide information to large venues and events to encourage waste diversion activities. Operators of venues and events would be required to report specified information about waste disposal and diversion to local agencies, which would then be reported to the IWMB as a part of the local agency's annual report. This bill also prohibits local agencies from issuing a building permit to a development project unless the development project provides adequate areas for collecting and loading recyclable materials.

**AB 2248 (Frommer) Chapter 945**

This bill requires the DHS to establish and maintain a registry for cases of Parkinson's disease. This proposed registry would be a system to collect information to determine the incidence of Parkinson's disease in California, and would require DHS to conduct a program of epidemiologic assessments of the incidence of Parkinson's disease. The

bill's requirements will be effective only to the extent that funding could be secured from federal or private sources.

**AB 2251 (Lowenthal) Chapter 779**

This bill modifies California's Hazardous Waste Control Law as follows: (1) alter the location restrictions governing hazardous waste transfer facilities exempt from DTSC permitting requirements; (2) allow DTSC to provide hazardous waste facilities greater flexibility in terms of when they must submit various components of their permit renewal applications; (3) streamline the hazardous waste permit modification process for changes that pertain to a facility's structures or equipment and that meet specified conditions; and (4) modify the types of mechanisms that may be used by a hazardous waste facility to satisfy financial assurance requirements to reflect changes made to the corresponding federal law.

**AB 2254 (Aghazarian) Chapter 240**

This bill authorizes the handling and disposal of used gasoline and diesel fuel filters in the same manner as used oil filters are currently regulated.

**AB 2277 (Dymally) Chapter 880**

This bill (1) expands the definition of "materials that require special handling" (MRSH), and requires those materials to be removed from major appliances before the appliance is processed in a manner that could result in the release of MRSH, or prevent the removal of MRSH; (2) prohibits MRSH from being disposed of in a solid waste landfill; (3) prohibits, with limited exceptions, anyone other than a DTSC certified appliance recycler (CAR) from removing MRSH from appliances and from transporting or selling a discarded appliance to a scrap recycling facility; (4) requires CARs, when transporting or selling a discarded appliance to a scrap recycling facility, to provide specified information to the facility; (5) requires all persons subject to the bill's requirements to maintain documentation demonstrating compliance with applicable requirements; and (6) requires local certified unified program agencies to inspect CARs to determine their capability to properly remove and manage MRSH.

**AB 2304 (Richman) Chapter 781**

This bill, an urgency statute, deletes several obsolete provisions and consolidates reporting requirements related to the State Energy Resources Conservation and Development Commission.

**AB 2342 (Jackson) Chapter 678**

This bill requires the Office of Environmental Health Hazard Assessment (OEHHA) to conduct several specified assessments concerning infants and children when developing public health goals (PHGs) for drinking water contaminants. The bill also allows OEHHA to give "special consideration" to contaminants that cause or contribute to adverse health effects in sensitive subgroups when conducting the periodic review and revision of PHGs required under existing law.

**AB 2353 (Leslie) Chapter 422**



This bill authorizes the city of Lincoln or the city of Rocklin, until January 1, 2009, to develop a neighborhood electric vehicle (NEV) plan and authorize the use of NEVs along or across conventional vehicle traffic lanes, subject to the approval of the Department of Transportation.

**AB 2439 (Haynes) Chapter 519**

This bill will allow, until January 1, 2008, recreational activity that involves bodily contact with the water to take place in the Canyon Lake Reservoir within the Elsinore Valley Municipal Water District if certain conditions are met. The conditions include water treatment, including coagulation, flocculation, sedimentation, filtration and disinfection. By January 1, 2006, the disinfection must also include ozonation or ultraviolet disinfection in compliance with federal regulations. The District is also required to file a report by January 1, 2007 with the Legislature on the recreational uses at the reservoir and the water treatment program.

**AB 2473 (Wolk) Chapter 789**

This bill updates the Solar Rights Act of 1978 to make its provisions consistent with the newer solar energy technologies available today. The changes focus on streamlining local permitting of solar energy systems.

**AB 2485 (Chan) Chapter 578**

This bill allows a school district to make a written request for information from any person, corporation, public utility, local publicly-owned utility or governmental agency to assess and determine the safety of a proposed school site or an addition to an existing school site. Entities or persons would be required to respond to the request within 30 days of receipt of the request. The bill also establishes a complaint process for failure to provide specified information.

**AB 2514 (Committee on Natural Resources) Chapter 540**

This bill increases the annual renewal fees for environmental license plates from \$25 to \$30 and the transfer fee from \$20 to \$30. The bill also allows environmental license plate fees to be used for the purposes specified in the California Ocean Protection Act, which would be established by SB 1319 (Burton and Alpert).

**AB 2528 (Lowenthal) Chapter 679**

This bill requires the operators of wholesale or retail public water systems to provide notice relating to contamination of any drinking water that exceeds the maximum containment level, a response level, or a notification level, including, but not limited to, notification to the Public Utilities Commission if the public water system is a regulated public utility.

**AB 2529 (Kehoe) Chapter 714**

This bill creates a new Marine Managed Areas Grant Program. The grants would be for projects that restore and protect the water quality and environment of marine managed areas. The bill does not identify a funding source for the program, but the State Water Resources Control Board expects that in the future, Water Security, Clean Drinking

Water, Coastal and Beach Protection Act of 2002 (Proposition 50) funds might be considered to fund the program.

**AB 2585 (Parra) Chapter 885**

This bill establishes Kings County as a “Joint Strike Fighter Impact Zone” and requires the California Research Bureau, in conjunction with the State Board of Equalization and Franchise Tax Board, to calculate specified state tax revenues derived within the Zone over specified timeframes. The San Joaquin Valley Unified Air Pollution Control District is authorized to adopt an emissions reduction and mitigation grant program. All of these actions are in preparation for a pending Navy decision on where to site their newest airplane, the F-35 Joint Strike Fighter airplane.

**AB 2587 (Chan) Chapter 641**

This bill makes various technical amendments to legislation enacted last year (AB 302, Chan, Chapter 205, Statutes of 2003) that bans the manufacture, processing, and distribution in commerce of products containing two forms of a class of flame retardants called polybrominated diphenyl ethers (PBDEs), namely pentaBDE and octaBDE. The bill also: (1) provides specific definitions for certain terms applicable to the ban; (2) moves up the effective date of the ban from January 1, 2008, to June 1, 2006; and (3) excludes from the ban products containing small quantities of PBDEs that are produced or used for scientific research on the health or environmental effects of PBDEs.

**AB 2600 (Leslie) Chapter 726**

Creates within the Resources Agency the Sierra Nevada Conservancy to acquire and manage land for various specified public objectives, and to make grants for those purposes, in the Sierra Nevada and adjacent areas.

**AB 2628 (Pavley) Chapter 725**

This bill authorizes the cleanest, most fuel-efficient hybrid-electric vehicles to use carpool or high occupancy vehicle lanes without meeting the minimum occupancy requirement.

**AB 2672 (Simitian) Chapter 764**

This bill requires the SWRCB to determine whether federal approval is necessary for the state to prohibit discharge of sewage from cruise ships. If the SWRCB determines that it is necessary, the bill would require the board to make that application. Upon federal approval of the SWRCB's application, or if the SWRCB determines that federal approval is not required, cruise ships would be prohibited, until January 1, 2010, from discharging sewage into the marine waters of the state.

**AB 2683 (Lieber) Chapter 704**

This bill eliminates the existing rolling 30-year exemption from the state's Smog Check Program. Vehicles that are model year 1975 and older would remain permanently exempt and 1976 and newer would be retained in the Smog Check Program. This bill also creates a collector car partial exemption for car enthusiasts.

**AB 2690 (Hancock) Chapter 330**

This bill exempts volunteer work from prevailing wage requirements that would otherwise apply to public works projects and eliminate the requirement for payment of prevailing wages for work performed by members of the California Conservation Corps.

**AB 2701 (Runner) Chapter 644**

The purpose of this bill is to streamline and improve efficiency of reports prepared by Cal/EPA and its Boards, Departments and Offices and encourage other State agencies to follow Cal/EPA's lead and realize the same resource savings. It also provides for more effective and efficient distribution of information by utilizing new technology that provides better access to information by not just the Legislature, but also stakeholders and the general public.

**AB 2733 (Strickland) Chapter 535**

This bill requires each person who extracts groundwater in the Counties of Riverside, San Bernardino, Los Angeles, and Ventura, to file the required "Notice of Extraction of and Diversion of Water" with a local agency or court appointed watermaster, designated by the SWRCB, provided that the local agency has volunteered to be designated and meets other specified requirements. The SWRCB would retain the notification program in those local areas not prepared or willing to collect the notifications. The local agencies also would be authorized to impose a filing fee to cover costs.

**AB 2834 (Canciamilla) Chapter 585**

This bill allows the Santa Margarita Water District and Irvine Ranch Water District to convey water in a drainage course within the boundaries of each respective district for the purposes of treating and reusing that water, if provisions of California and federal law are met.

**AB 2877 (Aghazarian) Chapter 175**

The purpose of this bill is to encourage the safe and legal management of specified hazardous wastes by allowing for the adoption of tailored regulatory standards for these wastes that better meet the wastes' unique characteristics, environmental hazards, and management practices.

**AB 2901 (Pavley) Chapter 891**

This bill establishes the Cell Phone Recycling Act of 2004, requiring all retailers of cellular telephones to have in place, by July 1, 2006, a system for the acceptance and collection of used cell phones for reuse, recycling or proper disposal. This system would be convenient and cost-free to consumers.

**AB 2918 (Laird) Chapter 648**

The bill requires the Public Utilities Commission (PUC) to evaluate the interrelationship between the Commission's electricity policy and water policy as they relate to ocean water desalination.

**AB 2943 (Pavley) Chapter 837**

This bill prohibits pregnant women and children less than three years of age from receiving mercury-containing vaccines or injections with mercury-containing products that contain more than specified amounts of mercury. The prohibition would take effect on July 1, 2006. The bill provides for exemptions from the prohibition in the event of actual or potential public health emergencies, including a vaccine shortage.

**AB 2955 (McCarthy) Chapter 649**

This bill requires the SWRCB and the ARB to jointly certify that enhanced vapor recovery systems (EVR) that meet the ARB's requirements also meet the SWRCB's underground storage tank (UST) program requirements. Further, the bill creates a new grant program to provide funding to certain small businesses that install USTs on or after July 1, 2004 and prior to June 30, 2009. The grants would be used to test the UST during and after installation and to purchase equipment needed for long-term leak detection monitoring.

**AB 3041 (Committee on Environmental Safety and Toxic Materials) Chapter 686**

This bill: (1) allows small businesses (known as "conditionally exempt small quantity generators" (CESQGs)) to transport up to a total of 100 kilograms (kg) of their own hazardous waste per month to a household hazardous waste collection facility if specified conditions are met; (2) makes the minimum volume limit for the hazardous materials business plan and inventory requirements for perchlorate materials consistent with the volume limit applicable to all other hazardous materials (500 pounds); and (3) makes cleanup and clarifying revisions to the statutes governing various components of the Unified Hazardous Waste and Hazardous Materials Management Regulatory Program.

**ACR 178 (Mountjoy) Resolution Chapter 109**

This measure calls upon all California city and county fire departments to make themselves aware of Compressed Air Foam System, gels, and other new firefighting technologies that may be used to fight fires and provide benefits in the cities and counties served by those fire departments, and to keep abreast of any new technologies that may be developed in the future.

**ACR 201 (Pavley) Resolution Chapter 35**

This measure declared April 22, 2004, "California Earth Day," reaffirm the Legislature's commitment to the fundamental principles of environmental laws, and encourage the state's residents to promote the goals of Earth Day 2004.

**AJR 50 (Pavley) Resolution Chapter 99**

This measure states California's commitment to achieving a clean transportation future based on the rapid commercialization of hydrogen and fuel cell technologies, among other promising and complementary clean air and energy efficient technologies. The measure also requests the United States Department of Energy to recognize California's progress and commitment to accelerating the commercialization of

hydrogen and fuel cell vehicles and to ensure that appropriate federal funding be provided to support those activities in California.

**AJR 72 (Frommer) Resolution Chapter 131**

This measure memorializes the United States Environmental Protection Agency to take immediate action to review and reconsider California's request for an administrative waiver from the gasoline oxygenate additive requirements of the federal Clean Air Act in order to relieve gasoline consumers in California from record-breaking gasoline prices.

**AJR 74 (Pavley) Resolution Chapter 113**

This measure memorializes the President and the Congress to take legislative action to allow single-occupant hybrid electric vehicles that achieve a fuel economy highway rating of at least 45 miles per gallon, and conform to any additional emissions category of the federal Environmental Protection Agency or the California ARB, or meet any other requirements identified by the responsible agency, to travel in California's High Occupancy Vehicle lanes.

**SB 50 (Sher) Chapter 863**

This bill makes a number of clarifying changes to the Electronic Waste Recycling Act of 2003 (SB 20, Sher, Chapter 526, Statutes of 2003). Most significantly, the bill: (1) delays the date from November 1, 2004 to January 1, 2005, for electronic device retailers to begin collecting the Electronic Waste Recycling Fee (Fee) from consumers; (2) requires the Board of Equalization to collect the fee from retailers; and (3) continuously appropriates the money in the Electronic Waste Recovery and Recycling Account to pay refunds and make electronic waste recovery payments, recycling payments, and payments to manufacturers.

**SB 111 (Knight) Chapter 193**

This bill contains recommendations made by the California Law Revision Commission to remove from statute the reporting requirements for reports where the submission deadline has lapsed.

**SB 117 (Machado) Chapter 716**

This bill removes some of the flexibility mandated by the implementation of Proposition 50 by requiring each implementing state agency to (1) provide technical assistance to disadvantaged communities in all cases, and (2) provide outreach to disadvantaged communities to the "maximum extent feasible".

**SB 318 (Alpert) Chapter 688**

This bill requires an urban water management plan to describe the opportunities for development of desalinated water, including but not limited to, ocean water, brackish water and groundwater, as long-term supply.

**SB 391 (Florez) Chapter 913**

This bill makes persons who violate certain pesticide laws responsible for certain costs related to the resulting injury and illness. It also increases the potential fine for

violations of certain pesticide laws that result in harm to exposed individuals by allowing separate violations to be charged for each individual who suffered acute illness or injury as a result of such violation. This bill is also intended to insure prompt and appropriate care for people suffering from exposure to pesticide drift and to develop procedures to assist in those requiring medical care.

**SB 512 (Figueroa) Chapter 854**

This bill requires that waste discharges in a state water quality protection area (SWQPA) be prohibited or limited by the imposition of special conditions in accordance with the Porter-Cologne Water Quality Control Act (Porter-Cologne Act) and implementing regulations, including the SWRCB's California Ocean Plan and the California Thermal Plan.

**SB 805 (Escutia) Chapter 717**

This bill expands the application of the California Land Environmental Restoration and Reuse Act to real property larger than five acres that is under single ownership, if the property is an infill site.

**SB 922 (Soto) Chapter 508**

This bill corrects a reference in the Water Code regarding the United States Department of Defense Explosive Safety Board requirements for a military munitions storage facility. Additionally the bill clarifies a definition in the Water Code relating to perchlorate located in unused military munitions, as defined in the Code of Federal Regulations, that were stored on or after January 1, 2004.

**SB 926 (Knight) Chapter 907**

This bill consolidates all military base retention and conversion programs under a single office within State government: the Office of Military and Aerospace Support that would be established in the Business, Transportation and Housing Agency. The bill: (1) directs the office to seek grants and private donations to fund the retention campaign; (2) encourages affected local governments to work together in their efforts to retain military installations in California; and (3) allows local governments, in partnership with a local military base, to request funding from the California Infrastructure Bank for projects that enhance or improve the mission of the base.

**SB 945 (Sher) Chapter 689**

This bill was a technical clean up bill that consolidated and repealed obsolete provision of the California Environmental Quality Act.

**SB 1089 (Johnson) Chapter 559**

This bill requires the SWRCB to give favorable consideration to the following types of projects when administering the State Revolving Fund loan program: projects that address public health problems or the pollution of impaired water bodies, projects necessary to comply with regulatory requirements, water recycling projects, projects undertaken to prevent or minimize water quality degradation, and projects undertaken in response to an administrative enforcement order.

**SB 1097 (Committee on Budget and Fiscal Review) Chapter 225**

This bill transfers funds remaining in the Petroleum Underground Storage Financing Account January 1, 2004, and subsequent loan repayments issued under the Replacement of Underground Storage Tank program, to the General Fund.

**SB 1107 (Committee on Budget and Fiscal Review) Chapter 230**

This bill, in part, directs that in fiscal year 2004/05, the Secretary of Cal/EPA consolidate, to the extent that is would achieve actual budget savings, the number of accounts and funds in the Treasury that are for the support of programs administered by the boards, departments, and offices (BDOs) within Cal/EPA. It would also direct the Secretary to consolidate specified functions that are common among the BDOs. The functions specified in the bill are information technology, fee collection, office supply procurement, and various generic human resources functions.

**SB 1136 (Chesbro) Chapter 108**

This bill changes the name of the Lake County Flood Control and Water Conservation District to the Lake County Watershed Protection District. The bill also provides specific authorization to the District to participate in National Pollution Discharge Elimination System permit program.

**SB 1155 (Machado) Chapter 612**

This bill requires the Department of Water Resources to prepare a plan to meet the existing permit and license conditions for which the department has an obligation, as described in the SWRCB's Decision No. 1641. The bill also requires DWR to submit its plan to the SWRCB and the Bay-Delta Authority prior to increasing its diversion rate at the State Water Project's Harvey O. Banks pumping plant.

**SB 1215 (Morrow) Chapter 917**

This bill requires, beginning July 1, 2005, that all funds appropriated from the Public Resources Account in the Cigarette and Tobacco Products Surtax Fund for programs that protect, restore, enhance, or maintain fish, waterfowl, and wildlife habitat be transferred to the Department of Fish and Game. Additionally, beginning July 1, 2005, moneys appropriated to DFG from the Environmental License Plate Fund (ELPF) shall be transferred to the Department of Parks and Recreation—in an amount not to exceed the funds transferred to the DFG pursuant to the provision noted above.

**SB 1319 (Burton) Chapter 719**

This bill creates the California Ocean Protection Act and establishes the Ocean Protection Council (OPC). The Secretary of the Resources Agency, the Secretary for Environmental Protection, and the Chair of the State Lands Commission would sit on the council, along with one member of the Senate and one member of the Assembly, who would serve as nonvoting, exofficio members. The OPC would coordinate the activities of all state agencies responsible for protecting ocean waters and ocean ecosystems, establish policies to coordinate the collection and sharing of scientific data related to coast and ocean resources between State agencies, and identify and

recommend statutory changes (both at the state and federal level) that would achieve those protections.

**SB 1362 (Figueroa) Chapter 157**

This bill authorizes a Household Hazardous Waste collection facility that is permitted by the DTSC to accept sharps waste generated by households as a Department of Health Services approved “home-generated sharps consolidation point. This bill also permits local jurisdictions to include a household-generated sharps collection program in their Household Hazardous Waste Elements.

**SB 1615 (Denham) Chapter 701**

This bill exempts vehicles that are 30 model-years old or older from the requirement to undergo California emissions testing (Smog Check) as a prerequisite to initial registration when entering from another state. The bill makes smog check laws for nonresident vehicles consistent with all California vehicles.

**SB 1729 (Chesbro) Chapter 561**

This bill amends the current Rigid Plastic Packaging Container (RPPC) law to encourage reuse, recycling, and waste prevention of RPPCs by deleting the use of statewide recycling rates as compliance options. This bill is necessary due to lack of applicable information and the inclusion of RPPCs that are exempt from the law in the statewide recycling rates that make calculating the rate nearly impossible.

**SB 1749 (Karnette) Chapter 619**

This bill prohibits a person from selling a plastic bag that is labeled “compostable,” “biodegradable,” “degradable,” or anything similar unless the bag meets an existing American Society for Testing and Materials specification for the term used on the label.

**SB 1776 (Bowen) Chapter 245**

This bill reinstates the CEC’s six-month expedited power plant siting process that sunsetted at the beginning of the year. This bill applies to both new and repowered power plants and it includes a sunset of January 1, 2007.

**SB 1856 (Bowen) Chapter 693**

This bill clarifies the definition of agricultural burning and add specificity to the definition of prescribed burning. It creates a uniform definition for prescribed burning in two California codes.

**SB 1873 (Burton) Chapter 543**

This bill enacts the Treasure Island Public Trust Exchange Act for the purposes of authorizing an exchange of public lands no longer useful for trust properties at Treasure Island for other lands of greater public value for inclusion in a public trust located on Yerba Buena Island.

**SJR 28 (Torlakson) Resolution Chapter 95**



This measure memorializes the U.S. Environmental Protection Agency to reconsider granting an administrative waiver of the act's oxygenated gasoline requirement for the State of California, to the extent permitted by the federal Clean Air Act. The measure also memorializea the United States Congress, if an administrative waiver is not granted, to enact legislation that would permit California to waive the oxygen content requirement for reformulated gasoline only if the fuel meets other requirements of the federal Clean Air Act for reformulated gasoline, and would memorialize the President of the United States to sign that legislation, if enacted.

## **Vetoed Legislation**

### **AB 338 (Levine)**

This bill would have been a major step forward in increasing the use of asphalt containing crumb rubber on California's roads, using a significant number of the 33 million waste tires currently generated in this State each year. It would have required the Department of Transportation (Caltrans) to use elevated levels of asphalt containing crumb rubber for State highway and construction and repair projects that use asphalt as a construction material, based on an annual cost differential analysis. The crumb rubber used would have been required to be manufactured in the United States, and derived from waste tires taken from U.S. owned and operated vehicles.

### **AB 653 (Nunez)**

This bill would have repealed the January 1, 2005 sunset date on the program that authorizes the State Public Works Board (SPWB) to issue revenue bonds, notes, and bond anticipation notes to finance cogeneration and alternative energy equipment and conservation projects in public buildings. It would have also broadened the spectrum of projects that would have been considered and relaxed the criteria for funding a project.

### **AB 736 (Hancock)**

This bill would have required the State Allocation Board (SAB), by January 1, 2006, to adopt regulations to implement design standards for school facilities in accordance with guidelines established by the Collaborative for High Performance Schools. It would have also provided that school construction project funding eligibility from the proceeds of general obligation bonds is contingent upon submittal of school facility design plans that meet design standards equivalent to those regulations.

### **AB 1466 (Koretz)**

This bill would have established "Don't Trash California" and "California es tu casa. No hagas de ella un basurero." as the unified litter prevention and recycling message for California. This bill would have authorized State agencies to incorporate the unified message into all litter prevention and recycling signs and advertisements. This bill would have also authorized the IWMB to establish an interagency litter prevention and recycling message committee to collaborate on the use of the unified message and issues relating to litter prevention and recycling.

### **AB 1696 (Pavley)**

This bill was cleanup legislation for AB 1548 (Chapter 665, Statutes of 2003), which incorporated environmental principles into approved education standards. The purpose of this bill was to provide the Secretary of Cal/EPA and the IWMB with clear direction for implementing AB 1548.

**AB 2006 (Nunez)**

Section 1 of Article XII of the California Constitution prescribes the membership, method of appointment, the term for which vacancies are filled, and the method of removal of, members of the Public Utilities Commission. This bill would have reiterated these provisions in statute.

**AB 2042 (Lowenthal)**

This bill would have required--by September 1, 2005--the South Coast Air Quality Management District (SCAQMD), the ARB, and the Ports of Long Beach and Los Angeles, to develop a Memorandum of Agreement implementing emission control measures for operations at the ports that would keep pollution levels below 2004 baseline levels.

**AB 2311 (Jackson)**

This bill would have established a sustainable building goal for State buildings. The goal would have been to site, design, demolish, construct, renovate, operate, and maintain State buildings that are models of energy, water, and materials efficiency, while providing healthy, productive, and comfortable indoor environments and long-term benefits to residents of the State. This bill would have also required the Secretary for State and Consumer Services to facilitate the incorporation of sustainable building practices into the planning, operations, policymaking, and regulatory functions of State agencies, and no later than July 1, 2005 to submit a report to the Governor with a recommended strategy for achieving this objective.

**AB 2388 (Lowenthal)**

This bill would have increased the membership of the Los Angeles/Long Beach Harbor Safety Committee by requiring that the state oil response administrator appoint an additional committee member who is a designee of the recognized employee organization representing the nonmanagement pilots in the Port of Los Angeles.

**AB 2631 (Wolk)**

This bill would have established the Invasive Species Council for the purpose of developing a statewide invasive species plan and making recommendations to the Governor for the prevention, early detection and rapid response, and control and management of invasive species.

**AB 2633 (Frommer)**

This bill would have reduced the illegal disposal and improper management of grease trap waste, which the author indicates have been the cause of serious sewage overflows. The bill's proponents argued that the existing management framework within the California Department of Food and Agriculture is problematic and lacks liability protections.

**AB 2644 (Oropeza)**

This bill would have codified the majority of the ARB's regulation on idling school buses into statute. It would clarify local air districts' authority to enforce limitations on idling school buses and would remove the ARB criminal misdemeanor penalty provision for first-time offenses.

**AB 2657 (Nunez)**

This bill was intended to assist the metal plating industry by providing funds to support various environmental compliance, technology procurement, pollution prevention, education, and emission reduction measures.

**AB 2713 (Pavley)**

This bill would have established a limited exception to the Rules of Professional Responsibility so that attorneys representing public agencies are not restricted by those Rules if the attorney learns of improper governmental activity. The attorney would have been permitted, but not required, to refer the matter to the law enforcement agency or official charged with oversight of the public agency.

**AB 2883 (Diaz)**

This bill would have authorized the Santa Clara Valley Water District (SCVWD) to conduct investigations and cleanup activities related to contamination of surface water or groundwater within the SCVWD.

**AB 2884 (Calderon)**

This bill would have limited the scope of responsibility of a RWQCB when cleaning up pollution at properties with non-operating businesses. Additionally the bill would have authorized the collection of abatement costs from the property owner by a civil suit.

**AB 2994 (Frommer)**

This bill would have established a purchasing preference for State agencies to purchase solid wood products harvested from forests within California if price, fitness, and quality are equal.

**AB 3040 (Committee on Environmental Safety and Toxic Materials)**

This bill would have made clarifying, technical amendments to the provisions of AB 1700 (ch. 856, stats. 2003); and prevented a direct or indirect position within the DTSC and the SWRCB from being eliminated if the position provides oversight and related support of remediation or corrective action at a hazardous substance release site that is funded by a responsible party and does not require any funds from the General Fund.

**SB 559 (Ortiz)**

This bill would have established a pilot program within the Cal/EPA, the DTSC, the SWRCB, and the RWQCBs to coordinate the brownfield remediation efforts of local governments. The program would have been limited to 30 projects and sunset on January 1, 2009.

**SB 568 (Sher)**

This bill would have prohibited a person from performing an external scientific peer review of the scientific basis of a proposed Cal/EPA regulation if that person has a financial interest in the review as defined by Government Code Section 87103.

**SB 645 (Sher)**

This bill would have required the IWMB to post on its Internet website a list of any suppliers, manufacturers, or wholesalers who have failed to comply with the requirements of the Plastic Trash Bags law.

**SB 646 (Sher)**

This bill would have required annual report, submitted to the IWMB by local jurisdictions on or before August 1, 2005, to include a statement as to whether the local agency has complied with current law that requires local agencies to adopt an ordinance relating to adequate areas for collection of recyclables in development projects, and a copy of the ordinance. This bill would have also made a number of changes to the methods by which monies in the California Beverage Container Recycling Fund are expended.

**SB 1435 (Perata)**

This bill would have enacted the Oakland Army Base Public Trust Exchange Act, and would have authorized an exchange of public trust lands within the Oakland Army Base redevelopment property so that both public and private interests can best be served.

**SB 1478 (Sher)**

This bill would have accelerated from 2017 to 2010 California's renewable energy procurement goal of 20 percent for publicly owned utilities. The bill would have made other conforming programmatic changes, including the creation of a renewable energy credit-trading program. The bill also had a smaller requirement for electricity providers to include in their long-term procurement plans a strategy for efficient use of fossil fuels and their subsequent carbon emissions.

**SB 1480 (Sher)**

This bill would have authorized the Oil Spill Prevention and Response (OSPR) administrator to adopt regulations governing tugboat escorts for vessels operating in the harbors of the state that are carrying specified amounts of hazardous materials. The bill also would have required the OSPR administrator to assess a fee to recover the costs associated with implementing the regulations and would prohibit funds deposited in the Oil Spill Prevention and Administration Fund to be used to support or implement this bill's provisions.

**SB 1648 (Chesbro)**

This bill would have made certain declarations regarding state owned and managed forests and alter the state policy pertaining to demonstration state forests (DSFs), with a particular focus on the Jackson DSF. Additionally, the bill would have required the Department of Forestry and Fire Protection to convene both a citizens' advisory

committee for purposes of facilitating communication regarding management issues, as well as an interagency technical advisory committee that would include a representative from the North Coast Regional Water Quality Control Board.

**SB 1703 (Alarcon)**

This bill would have established the California certified green business program for businesses that comply with specified criteria and checklists adopted by California State University (CSU) Hayward's Environmental Finance Center. This bill would have authorized a city or county to institute a California certified green business program by notifying the CSU Hayward's Environmental Finance Center, designating a green business coordinator, and implementing the program in accordance with the specified criteria and checklists.

**SB 1851 (Bowen)**

This bill would have required all new State public buildings for which design and construction begins after January 1, 2005 and until January 1, 2007, except for publicly funded schools, to exceed the minimum building energy efficiency standards mandated by the California Building Standards Code if the measures achieve certain cost savings. The bill would have also required all new State public buildings for which construction begins after July 1, 2007, except publicly funded school buildings, to exceed the minimum building energy efficiency standards mandated by the California Building Standards Code and using energy efficiency measures, materials, devices, and indoor air quality measures that are feasible and cost-effective, as prescribed by the IWMB, and to follow sustainable building standards and utilize sustainable building measures, materials, and devices. The bill would also have required that all existing State public buildings, except publicly funded school buildings, when renovated or remodeled, be retrofitted to meet minimum energy standards.

**SB 1901 (Alarcon)**

This bill would have established the "Table Grape Worker Safety Act of 2004." The Act would have: prohibited employers from requiring harvesting employees to taste or consume unwashed grapes in the field or prior to processing, except under conditions specified; permitted only supervisory employees to taste grapes in the field or prior to processing, and only under conditions specified; and established specified civil penalties for employers who violate the bill's provisions.